

1 **WEST VIRGINIA MINE SAFETY AND HEALTH ADMINISTRATION**

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4
5 **IN THE MATTER OF:**

6 **THE INVESTIGATION OF THE**
7 **APRIL 5, 2010 MINE EXPLOSION**
8 **AT UPPER BIG BRANCH MINE**

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15 The interview of MICHAEL P. WEBB, taken upon
16 oral examination, before Jenny Marmol, Court
17 Reporter and Notary Public in and for the State of
18 West Virginia, Friday, February 11th, 2011, at the
19 Mine Academy, 1301 Airport Road, Beaver, West
20 Virginia.

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1 MR. KOERBER: Let's go on the record,
2 please. My name is Barry Koerber. I'm the
3 Assistant Attorney General assigned to the West
4 Virginia Office of Miners' Health, Safety and
5 Training and through their UBB Accident
6 Investigation Team.

7 Today is Friday, February the 11th, 2011.

8 Beginning at my left, I'm going to ask the
9 people on the offside of the table to introduce
10 themselves and state who they're with.

11 MR. O'BRIEN: John O'Brien with the West
12 Virginia Office of Miners' Health, Safety and
13 Training.

14 MR. PAGE: Norman Page with MSHA.

15 MR. CRIPPS: Dean Cripps with MSHA.

16 MS. HAMPTON: Polly Hampton, Solicitor's
17 Office for the Department of Labor.

18 MR. BECK: Jim Beck with the Governor's
19 Independent Team.

20 MR. KOERBER: We also have a court
21 reporter here who will be taking down everything
22 that's said today.

23 Just a couple real quick ground rules.

24 Please answer verbally, using, like,

1 "yeeses" and "nos," as opposed to nods of your head
2 or "uh-huhs," "uh-uhs."

3 And also, please allow the question to be
4 asked before you begin your answer, and I'm going
5 to ask that the interviewers please allow you to
6 finish your answer before they ask a question so we
7 don't have people speaking over each other.

8 The court reporter is with a court
9 reporter firm known as Johnny Jackson &
10 Associates. I'm going to give you their business
11 card.

12 Johnny Jackson & Associates is a court
13 reporter firm in Charleston, West Virginia, and
14 they are operating -- they're taking the words that
15 are said here today and typing it onto paper in a
16 three-day turnaround period of time.

17 This being Friday, they should have it
18 done sometime Wednesday, which would mean come
19 Thursday, or any day thereafter, if you would like
20 to review your transcript and be given an errata
21 sheet where you can make corrections to errors that
22 you may find in the transcript, you may do so. And
23 you may do that by yourself, or you may do that
24 with your attorney.

1 But if you choose to do that, you need to
2 call Johnny Jackson & Associates, set up a time
3 that is convenient to all, where you would go into
4 their office and they would put you in a conference
5 room where you could read the transcript and make
6 corrections on the errata sheet.

7 You would not be permitted to take a
8 transcript home with you, but I'm going to give you
9 their card if you choose to do that. That is your
10 choice.

11 Next thing I would like to mention to you
12 is, if for any reason whatsoever you want to take a
13 break, just say so and I'll take a break.

14 I'm going to ask that you not talk to
15 anybody about what's said in this interview, other
16 than with your attorney, after you leave here
17 today, just to protect the integrity of the
18 investigation.

19 Polly may have something that she would
20 like to add at this point in time, so I'll let her
21 have that opportunity.

22 MS. HAMPTON: Yes. I handed you a letter
23 from the MSHA Accident Investigation Team before we
24 got started. Did you get a chance to review that

1 letter?

2 THE WITNESS: Yeah, I looked at it.

3 MS. HAMPTON: Okay. And do you have any
4 questions for me about it?

5 THE WITNESS: No.

6 MS. HAMPTON: Okay. I would like to point
7 out that contact information for Norm Page, who you
8 just met, is the -- he's the lead investigator for
9 the MSHA Accident Investigation Team.

10 His information is contained in that
11 letter. If you have any additional information
12 you would like to share with the team after you
13 leave here today, or anything else you think of
14 that might be relevant, feel free to contact him or
15 to have your attorney contact us.

16 THE WITNESS: Okay.

17 MR. KOERBER: At this point in time, I
18 would ask the court reporter to administer the
19 oath.

20 MICHAEL P. WEBB, DEPONENT, SWORN

21 MR. KOERBER: Sir, would you please state
22 your full name for the record and spell your last
23 name.

24 THE WITNESS: It's Michael Paul Webb.

1 Last name is W-e-b-b.

2 MR. KOERBER: Would you please state your
3 address and telephone number?

4 THE WITNESS: It's [REDACTED]
5 [REDACTED] . Phone number is
6 [REDACTED] .

7 MR. KOERBER: Do you have an attorney with
8 you here today?

9 THE WITNESS: Yes.

10 MR. KOERBER: Okay. I would ask that he
11 identify himself and his firm.

12 MR. MCCUSKEY: John McCuskey, the law firm
13 of Shuman, McCuskey & Slicer in Charleston, West
14 Virginia, counsel for Michael Webb.

15 MR. KOERBER: And I also note that we have
16 another person sitting at the table. I would ask
17 that he identify himself, the firm that he is with
18 and the client that he represents.

19 MR. AKERS: Rob Akers with Allen, Guthrie
20 & Thomas in Charleston, West Virginia, and I'm here
21 on behalf of Performance Coal Company.

22 MR. KOERBER: We also have a person in the
23 back. I would ask that he identify himself, the
24 firm he's with and who he is here representing.

1 MR. MCCUSKEY: J.B. McCuskey, Shuman,
2 McCuskey & Slicer, Mr. Webb.

3 MR. KOERBER: Mr. Webb, are you appearing
4 here today as the result of receiving a subpoena?

5 THE WITNESS: Yes.

6 MR. MCCUSKEY: Of course, actually, he
7 never received it, but ...

8 MR. KOERBER: Oh, okay. Are you appearing
9 here today as the result of being aware that a
10 subpoena was issued for you?

11 THE WITNESS: Yes.

12 MR. KOERBER: Okay. This is a copy of it.
13 Feel free to look at it, but this is the copy, and
14 I think Mr. McCuskey would agree to that.

15 MR. MCCUSKEY: Yes.

16 MR. KOERBER: This is an Acceptance of
17 Service. Mr. McCuskey signed this, accepting
18 service of the subpoena on your behalf, and he
19 signed that February the 4th.

20 I'm going to ask that the subpoena be
21 marked as Webb's Exhibit No. 1, and the Acceptance
22 of Service be marked as Webb's Exhibit No. 2.

23 (Exhibit Nos. 1 and 2 marked for
24 identification.)

1 MR. KOERBER: Sir, on April 5th, 2010,
2 what was your job title?

3 THE WITNESS: I was then a section foreman
4 on the Longwall.

5 MR. KOERBER: Okay. Couple of other
6 things I want to give you as well. I'm going to
7 give you the Johnny Jackson & Associates business
8 card, which I spoke about earlier.

9 I'm also going to give you Bill Tucker's
10 business card. Bill Tucker is the lead
11 investigator for the Office of Miners' Health,
12 Safety and Training.

13 Should something come to mind after you
14 leave here that you believe would be important for
15 the State to know in regard to the investigation,
16 please feel free to contact him.

17 I'm also going to give you a memorandum,
18 and this memorandum lists the address to the West
19 Virginia Board of Appeals.

20 The West Virginia Board of Appeals is the
21 administrative body charged with hearing, among
22 other things, discrimination cases involving coal
23 miners.

24 West Virginia Code 22A-1-22 provides

1 protections to coal miners from being discriminated
2 against for participating in interviews such as
3 this.

4 If you find that you believe you have been
5 discriminated against because you participated in
6 this interview, this is the body that you lodge
7 your complaint with, and your attorney could help
8 you draft that.

9 I would like to caution you, however, the
10 22A-1-22 only allows a 30-day window for you to
11 file your complaint from the day of the
12 discriminatory action. Okay?

13 THE WITNESS: (Witness nods.)

14 MR. KOERBER: And now I would like to ask
15 Mr. O'Brien to start the interview.

16 EXAMINATION

17 BY MR. O'BRIEN:

18 Q. Mr. Webb, first, on behalf of the Office
19 of Miners' Health, Safety and Training, I would
20 like to thank you for participating in this
21 investigation and helping us out.

22 If I understood right, you said you were
23 -- on April 5th, 2010, you were a --

24 A. Section foreman.

1 Q. -- section foreman?

2 A. Yes, sir.

3 Q. Briefly -- again, some of these questions
4 may have been asked before, so just bear with me.

5 What were your job duties briefly?

6 A. Pretty much the section foreman, you run
7 the section. You make sure that the shearer
8 operator, you know, everything is running right as
9 it should be.

10 You're watching out for who you have on
11 your crew. You make reports to the outside,
12 production reports, down time reports, pretty much
13 you're running all over the section, you know, just
14 making sure everything is as it should be.

15 You take gas checks, your air checks,
16 ventilation checks. Pretty much you're all over
17 the section. I mean, you're just -- you're the one
18 in charge of it, you know.

19 Q. Good enough. Appreciate that.

20 What shift did you work?

21 A. We worked a swing shift. It was a six and
22 three schedule. So you would work six days on day
23 shift, take three days off, and then you would come
24 back six days evening shift. And so you just --

1 you kept rotating like that.

2 Q. Did you work on April 5th?

3 A. No. No, I was off. The last day that my
4 crew worked was that Saturday. It was the day
5 before Easter.

6 Easter Sunday would have been my crew's
7 last day of our six-day run, but, like I said, that
8 was a holiday, we were off, and Monday, Tuesday,
9 and Wednesday was my crew's scheduled three days
10 off.

11 MR. O'BRIEN: Okay. At this time, that's
12 all the questions I have at the moment. I'll pass
13 it to MSHA.

14 EXAMINATION

15 BY MR. CRIPPS:

16 Q. Thanks again for coming in, Mike. I have
17 got several questions I want to talk to you about,
18 if you don't mind.

19 A. Okay.

20 Q. Tell you what, I would like you to
21 describe to me your normal routine when you arrive
22 on the section on the mantrip, the crew gets off
23 the mantrip, just describe to me what goes on from
24 there.

1 A. Once we get to the end of the track, we
2 have a safety meeting, which five, ten minutes.
3 We'll go over anything that's going on, like, say
4 if Jack Roles, you know, our coordinator, if he
5 told me, you know, about -- if he had told me any
6 kind of condition to expect, anything that was
7 going on, you know, we were getting close to
8 cutting out.

9 If he knew of any -- if the top was bad on
10 the face, you know, he would tell me things like
11 that, at which point I would go over with the
12 crew.

13 From that point, you know, after the
14 safety meeting, after talking to the crew, we would
15 make our way to the face.

16 Of course, I would be fire bossing, going
17 through the face, checking the power boxes,
18 checking the curtains, checking ventilation.

19 Once ventilation -- once I had gone across
20 the face once, you know, we had the right air, had
21 the gas -- had no gas, you know, anything like
22 that, it was able to run, the crew come out and
23 then we would go -- we would run coal from there.

24 The headgate man, he would call out, call

1 outside as to what time that we would actually
2 start production. And we -- that's -- you would go
3 from there, you know.

4 Q. Okay. Let me -- when you left the mantrip
5 and proceeded towards the face, would the shearer
6 operator stop anywhere along that route?

7 A. They would stop at the mule train and get
8 their -- the packman, you know, for the shearer,
9 their operating device, you know, controller.

10 Q. Okay. The packman is the remote control
11 for the shearer?

12 A. Yes.

13 Q. Okay. Let's say on day shift, when you
14 arrived on the section, would the face normally be
15 in operation?

16 A. No, no. It was very rare that the hoot
17 owl crew would run coal. Usually the only time you
18 saw the hoot owl crew running coal is if we were --
19 say if maybe we had been pretty slow on production,
20 they would have them to maybe run coal for, like,
21 the last hour of their shift, something like that.

22 Or if we were close to cutting out the
23 panel, they might have the hoot owl crew to run
24 coal a little bit, you know, to speed up, you know,

1 to get it to the cut out. But other than that, you
2 know, no.

3 Q. Okay. What about when you arrived on the
4 section on afternoon shift, what would the
5 condition of the face be?

6 A. They would be -- usually they were running
7 coal. They were -- they had it set to where we
8 weren't supposed to have both crews on the face at
9 one time, and that had changed when we got to this
10 panel.

11 What it was, we had an emergency ride that
12 was only big enough for one crew, that had to be
13 kept up close to the last open break, and you
14 couldn't have two crews up there at one time
15 because that was kind of going against having the
16 emergency ride. I mean, that's what I was always
17 told.

18 So usually what we tried doing was, as the
19 crew was coming in, they would get to the mouth of
20 the section, what they would call the longwall, and
21 say, okay, hey, we're here at the mouth, we'll be
22 up there in a few minutes.

23 And what we tried to do was the guys on
24 the face, they would stop and walk off the face,

1 and so we would try to meet up with each other
2 there at the end of the track.

3 Now, of course, it didn't always happen,
4 you know. There was sometimes we would meet them,
5 say, right there at the head drive, sometimes at
6 the tool carts, sometimes there at the mule train.

7 Q. Is that because they would usually
8 accidentally forget to call from the mouth?

9 A. Yeah. Either that or the guys on the
10 face, they may have something -- like, say, there
11 might be a gob out, something they were trying to
12 clean on, you know. You didn't really try to leave
13 the crew in a bad start-up, you know.

14 If you had a gob out or something, you
15 would usually stay there and try to get it cleaned
16 up before the other crew came in. At least I would
17 help them out anyways.

18 Q. Okay. When you arrived on the face on day
19 shift, then, tell me what you, yourself, actually
20 did.

21 A. Well, like I said, we would get -- we
22 would have our meeting. From that point, as we
23 would make our way up towards the last open break,
24 I would go to the power center there at the mule

1 train. I go to the chargers, and, you know, I'm
2 basically just looking at the entry as I am going
3 up toward the last open break.

4 We would designate one individual, you
5 know, each day as, like, a scaler. So as we were
6 going in, he would also be looking at the ribs,
7 looking at the top, you know, if there's something
8 I'm not looking at or I'm overlooking, you know,
9 there's somebody else with me that's kind of
10 looking at the area as well.

11 And if he sees something, you know, he
12 could scale it, then he can tell me, you know, I
13 can tell one of the other guys up there, you know,
14 if it's kind of high, you know, somebody bigger or
15 whatever.

16 Once I get up towards the last open break,
17 I'll check the curtains, make sure all my curtains
18 are tight. We had two entries that we had to keep
19 our curtains up.

20 From that point, I'd take an air reading
21 at the last open break, and then go across the
22 face. We would take two readings there at -- I
23 think it's Number 9 shield, or it might be Number
24 17 shield. You would take a reading there. It's

1 one or the other, I can't really remember.

2 And then you take another reading at 160
3 shield, your air reading and gas check.

4 Q. While you're going to the tail, what's the
5 rest of the crew doing?

6 A. They're usually outby, just, like,
7 electricians, they're getting things ready. A lot
8 of electricians, they don't carry tools with them,
9 you know, they have got their tool boxes.

10 They're usually just getting some tools,
11 things that they may need as far as, like, shearer
12 operators.

13 Some of the guys, they'll wear dust
14 helmets, they'll usually change a filter out. Or a
15 lot of the other guys, if they don't wear a dust
16 helmet, they'll wearing a respirator, and they're
17 just getting their respirators ready.

18 Q. What about as far as setting bits,
19 checking water sprays and that type of stuff, when
20 is that performed?

21 A. That's done whenever we do maintenance on
22 a shearer. Now, on a day shift crew, when you come
23 in, the shearer operators, they'll look at their
24 bits. It's kind of like your standard procedure.

1 The hoot owl crew changes the bits, you
2 know, has everything ready for the day shift crew
3 to run.

4 So the day shift crew, when they get
5 there, they should be able to get to the shearer
6 and start up and go.

7 If they get to the shearer and they see
8 some bits that maybe the hoot owl crew didn't set,
9 like a full drum, if they see some bits that maybe
10 they need to set, then they usually will set them.

11 It's kind of -- it's very rare that the
12 hoot owl crew wouldn't do the maintenance, you
13 know, have everything ready.

14 Usually if the shearer was on the tail,
15 they may not set the bits. But now here, prior to
16 the explosion, when we got into the sandstone, it
17 was to a point that we were setting bits every cut
18 out, you know.

19 You would set bits at the head, you would
20 set them at the tail, you know, it's just -- the
21 sandstone just came in, you know, got like that,
22 and you had to set the bits.

23 As far as, like, the crews, it got to
24 where we had to take bits down to the tail. What

1 we would usually do, we would put the bits on top
2 of the shearer, that way, you know, you didn't have
3 one or two guys carrying bucket after bucket, you
4 know, all the way down the face. So we would try
5 to keep bits down there on the tail so that way
6 they were there.

7 Q. When you're cutting towards the tail,
8 because I've been on the face several times and
9 noticed the sandstone that you're cutting down
10 there, we've talked to several people about cutting
11 the sandstone, how could you tell when it was time
12 to change your bits or you knew you needed to
13 change the bits?

14 A. A lot of times if, like, your coal -- your
15 coal side bits, if they would happen to wear down
16 worse than your other bits, it would usually cause
17 to shearer to kind of lean back.

18 And when that happens, you can tell that
19 the shearer is not running right, and it's also
20 putting you in a position to where the shearer
21 itself, the drum will end up hitting the tip of the
22 shields.

23 When that happens it cuts the cutter
24 shaft, or it don't cut it, it breaks the cutter

1 shaft, and then that puts your down.

2 And other than that, a lot of times as
3 you're cutting, if your bits are bad, the shearer
4 will kind of slow -- go slow compared to what it
5 should be. It won't really stall out, but it will
6 -- it won't go -- it won't run the way it should.

7 You know, if you're running 20, 30 feet a
8 minute, you know, cutting coal, and then just all
9 of a sudden it slows down, you know, goes slower or
10 kind of lunges, then that was always kind of a sign
11 that you need to check your bits. That's what I
12 always looked for when I ran the shearer.

13 Q. Give me some idea -- say you back up and
14 you set a head of bits. I guess in some of the
15 extreme cutting conditions, how long would those
16 bits last?

17 A. Those bits -- when we first got into the
18 sandstone, this happened back when I first started
19 bossing, we could get to the tail and cut out one
20 time, and then we would have to set a full drum of
21 bits just to cut out the second time.

22 And then at that point, you would make
23 your way to the tail -- or to the head. You get to
24 the head, you could cut out, you could do the

1 shuffle and cut out your second time, and then at
2 that point you would stop and set bits.

3 There was a few occasions, I think, when
4 you would get to the head, you would cut out one
5 time, and then you may have to stop and look at
6 your bits. You may have to set your bits before
7 you even cut out the second time.

8 It really just kind of fell on the shearer
9 operators, you know, what they thought, you know,
10 which I always gave -- of course, I didn't boss
11 that long, but what time I did boss, you know, I
12 told them, you know, it's their discretion on when
13 they need to set the bits, you know.

14 They're the ones that's running the
15 shearer. If they think they need to set them or
16 look at them, you know, just stop it and look at
17 them and go from there.

18 But as far as on the tail, the sandstone,
19 I believe, it started around 140, 140 shield on up
20 to the tail.

21 So your bits would be fine from the time
22 you left the head once you started cutting into the
23 sandstone. And by the time you get to the tail,
24 they were usually pretty bad shape, you know. You

1 would have to set them before cutting out a second
2 time.

3 Q. Okay. And cutting on that sandstone, a
4 lot of sparking going on did you notice?

5 A. Oh, yeah. Yes.

6 Q. Okay. I seen some used bits laying on the
7 shield toes, I went down through there, that were
8 really worn, and then I've heard, reading some
9 transcripts of some other people refer to them as
10 "elf shoes."

11 A. Uh-huh.

12 Q. Do you have any idea what I'm talking
13 about?

14 A. Yes. That, again, that happened when we
15 first started -- when I first started bossing, we
16 had went down to the tail when we first got into
17 that sandstone. One of my shearer operators, he's
18 an old guy, an older guy, and he's been on the
19 longwall for many years, he's the kind of guy that
20 don't mess up, you know, he knows what he's doing
21 he's got the experience and you don't have to worry
22 about him.

23 As they were on the tail this day, they
24 were doing the shuffle. They had cut out the first

1 time on the tail, and as they were coming to the
2 shuffle, he had hit the shield with the shearer.

3 And this goes back to where I was saying
4 when the coal bits, the coal side bits wear down,
5 it causes the shearer to lean on its side, you
6 know, just lean back some.

7 And what had happened, as they were going
8 through the shuffle, he had hit the shield and it
9 broke a cutter shaft.

10 I believe I was maybe around midface when
11 this happened, you know, I wasn't there at the
12 shearer.

13 When that happened, I made my way to the
14 tail, and that's when I saw the bits on his coal
15 side. They were in such a bad shape that the
16 nickname, what everybody gave them, elf shoes, you
17 know, they're so wore down and they're kind of
18 curved back, you know, like the tip of a shoe.

19 But anyways, I had sent the face crew off
20 to go eat. I told the electricians that myself and
21 them would finish the cutter shaft and reset the
22 bits.

23 And I told them, you know, if the guys
24 hadn't got back from lunch, that we would try to

1 finish cutting the shuffles for them.

2 Well, we didn't go three shields, and I
3 had done put the shearer up into a shield. It had
4 done wore those bits out that quick.

5 What I had done at that point was -- I
6 kind of thought that the guys outside would then be
7 throwing a fit, because here we just broke two
8 cutter shafts, you know, within 15, 20 minutes, and
9 I figured they had been calling in trying to find
10 out, you know, what's going on.

11 So what I had done, I took those coal side
12 bits and I put them in a bucket. And I had
13 intentions of taking those outside and throwing
14 them on their desk if they wanted to fuss about it,
15 you know, but I didn't.

16 I ended up talking to Timmy Davis, which
17 was outby on the section, and I had showed him
18 those bits, you know, so he was kind of my backup
19 if somebody outside wanted to complain.

20 That was the worse I had ever seen the
21 bits, you know, that quick of a time, just wear
22 down to next to nothing, you know. I had never
23 seen, you know, the bits do that before.

24 Q. Okay. During the course of your shift

1 when the face is operating, how much of your day
2 would you estimate that you actually spend up on
3 the face?

4 A. Probably 80 Percent of the time.

5 Q. Okay. So most of your day is --

6 A. Yes.

7 Q. What are you doing in that period?

8 A. As the shearer is -- let's say the shearer
9 is going to the tail. I will be behind what we
10 call the snake, and that is the shields, you know.

11 As the shield operator is pulling the
12 shields in behind the shearer, he's pushing those
13 shields as well, you know, he's causing those
14 shields to push.

15 And what I do is, I will stay behind the
16 shields that he has pulled in, and I'll just kind
17 of go back and forth on the face.

18 I'll usually I'll wash down the shields,
19 wash down the shields, the canopies, the
20 backboards. I'll do my gas checks. I'll check my
21 ventilation, and calling out reports. I normally
22 try to stay on the face as much as I can.

23 On day shift, I didn't really have to
24 worry too much about what was outby us because we

1 had the outby guys there with Timmy Davis. So
2 evening shift, everything that was outby was
3 usually done and caught up, you know.

4 We had one utilityman per crew and, you
5 know, I would check on him from time to time just
6 to see if he was okay, see if he needed any help
7 with anything.

8 But for the most part, like I said, I
9 tried to stay on the face as much as I could.

10 Q. Did you report to Jack Roles?

11 A. He wasn't the longwall coordinator. Now,
12 I never reported to him, like production reports or
13 anything.

14 All of that was done to -- on day shift,
15 you would call out your report to Greg Clay. I
16 don't know why because I think his title is a
17 purchasing agent, I believe. I don't know why we
18 would call out a report to him really, but on day
19 shift that's who you would call a report to. On
20 evening shift, you would call a dispatcher.

21 As far as Jack Roles, the only time I
22 would talk to him is if I had any questions with
23 anything, if I had a problem or something, you
24 know, if I needed to know something about the

1 longwall, you know, I'd call him and say, you know,
2 hey, what do I have here, you know. But other than
3 that, that was it.

4 Q. Who is your actual supervisor?

5 A. That would be Jack Roles.

6 Q. Jack? Okay.

7 Do you ever see Jack on the face?

8 A. Every once in a while you would see him.

9 Q. When he's on the face, does he ever give
10 you instructions about something he wants done?

11 A. Yeah, sometimes, you know, sometimes he
12 would -- if the face needed to be walked one way or
13 another, like, say, for instance, on the head --
14 say we had a spad reading of 30 plus 15. And on
15 the tail, let's say you have a spad reading of 40
16 plus 15. So that's telling you right there that
17 the line is not straight.

18 And he might tell me, you know, take an
19 extra cut, you know, off the head, or take one off
20 the tail, you know, to try to even up the face.

21 And he may see something outby. He may
22 see that a timber needs set or, you know, something
23 like and he would just come and tell me. You know,
24 talk to your utilityman, tell him he needs to set a

1 timber, you know, in such and such place, just
2 little stuff like that.

3 Q. Okay. You mentioned walking the pan
4 there. Have you been across the longwall face
5 since the explosion?

6 A. Yes.

7 Q. Okay. I know that you have, but I need
8 you to say that you have. You've been across
9 several times is that --

10 A. Yes.

11 Q. You've been doing the examinations at the
12 mine since the explosion?

13 A. Yes.

14 Q. Okay. Referring up to the headgate end of
15 the longwall, I'll just tell you, when I looked at
16 the stage loader, it appeared to me that the stage
17 loader was drifted towards the coal block side of
18 the entry. What impression did you have of the
19 location of the stage loader?

20 A. I don't think I've ever actually looked
21 down like in the stage loader to see, you know,
22 whether it sprayed, or maybe if it was coming to
23 the coal block. I don't think I've ever -- I've
24 really ever looked at it.

1 Q. Okay. Did you notice anything else about
2 the condition of the face up at the head, the
3 location of the pan or the shields?

4 A. I know up at the head, like on your head
5 end, it looks as if to me that they had dropped the
6 head, they didn't pull in the gate shields -- well,
7 they didn't pull in the gate shields, or quite a
8 number of shields they didn't pull in.

9 It looked like what they were doing was --
10 maybe they were straightening the line.

11 Now, I haven't really paid much attention
12 to see how straight it is, but now I do know that
13 the head was not pushed, you know. So they didn't
14 -- for whatever reason.

15 I don't know what the spads were at the
16 time this happened, so I don't know if they were
17 trying to straighten the line up or if they had had
18 something wrong that they didn't pull the head in.
19 I don't know.

20 Q. You mentioned that some of your guys, When
21 they got on the face, may be putting on a helmet.
22 Are you referring to the air stream helmets?

23 A. Yes.

24 Q. How many of your guys wore the air stream

1 helmets?

2 A. On my crew, I don't believe none of my
3 guys wore the helmets. They wore the respirators.

4 And I think the crew that was there that
5 day, I believe those were the only guys that wore
6 the air stream helmets.

7 Q. That's the crew that was on the --

8 A. On the face.

9 Q. -- face the day of the explosion?

10 A. Yes.

11 Q. Okay. And how would you have knowledge
12 that they wore the air stream helmets?

13 A. Just from where -- seeing them come in,
14 you know, come in the day -- like say, if we were
15 on day shift and they were on evening shift, you
16 know if you pass by them, you know, you'd see them
17 carrying them.

18 And other than that, the two shearer
19 operators that was on that crew, those were the
20 shearer operators that I started with. I was their
21 shield operator, all three of us wore the air
22 stream helmets when I started. And, I guess,
23 that's what they are used to wearing, you know.

24 But I don't recall ever seeing them wear a

1 respirator. You know, even when we came this panel
2 and they told us that we had the option of using a
3 respirator or the helmet, they stuck with the
4 helmet.

5 Q. Okay. When they would wear the air stream
6 helmet, what would they do with their regular hard
7 hat?

8 A. Usually they would leave it at the head
9 drive. They would maybe put it underneath the head
10 drive, or some of the guys would leave it out at
11 one of the tool boxes, you know, like, say if their
12 electrician had -- they knew where their toolbox
13 was, they'd leave it there at their toolbox.

14 Myself, you know, when I was on the face,
15 normally I would just take mine off there at the
16 head drive and put it underneath the head drive,
17 leave it there.

18 Q. Okay. So you say you worked with both the
19 shearer operators that was on B Crew?

20 A. Yes.

21 Q. Do you recall when you was working with
22 them did either of them carry a methane detector?

23 A. The tail end, Gary -- what is his name?

24 Q. Gary Quarrels?

1 A. Yes. Well, now, this was, you know, I
2 hadn't been on their crew, it's been a couple of
3 years. But I know Gary, he was the tail end
4 operator, and the tail end operator was the one
5 that carried the detector.

6 Q. Does the tail end operator on your crew
7 now carry a detector?

8 A. Yes.

9 Q. Okay. I think when I read your last
10 transcript, I understand that prior to being a boss
11 on this crew, you was a shearer operator?

12 A. Yes.

13 Q. Which end of the shearer did you operate?

14 A. I operated the head end.

15 Q. Okay. When you was operating, did the
16 tail operator carry a detector with him?

17 A. Yes.

18 Q. Okay. Have you ever noticed when -- in
19 the course of cutting, have you ever noticed sprays
20 come out of the drum?

21 A. I've never witnessed them come out, but
22 now I do know that they have come out, you know,
23 just for the reason -- when we would set bits,
24 we're looking over the sprays as we're setting

1 bits. And if we see a spray out, we'll put a new
2 one in.

3 So in the course of time, you may not know
4 it while you're running coal, but if you stop to
5 set bits, you know, from time to time you might
6 have one or two that you see missing and you just
7 replace it.

8 Q. Do you recall the most number that you may
9 have had to replace at one time?

10 A. No, no. I do know cutting the sandstone
11 that we were in, it had been causing us to have to
12 replace the water sprays, you know, one or two at
13 least, you know, on each end just about.

14 Q. Is it -- were the sprays missing -- is it
15 visible, or can you tell that there is a spray
16 missing?

17 A. Yes.

18 Q. How do you tell that?

19 A. There is a -- well, the spray itself, I
20 can't really tell you how big it is, but it will
21 fit into just a small hole.

22 If that spray is not there, the water will
23 still come out of that hole, but it looks kind of
24 like a water running out of a garden hose. You can

1 tell it's not a spray, you know.

2 Q. Well, let me -- I know you're aware that
3 we have put water on the shearer there at the
4 tailgate. I know you're aware of the location of
5 the shearer and the drum.

6 Let me show you this picture right here.

7 And I will tell you, this is the shearer
8 at UBB, and this is the picture taken the day that
9 we put water on the shearer.

10 Anything stand out to you in this picture?

11 A. It looks like you have at least three --
12 three sprays out.

13 Q. And so is that you described, like, water
14 coming out that looked like a garden hose?

15 A. Yeah.

16 Q. Is that similar to what you was describing
17 from a missing spray?

18 A. Yeah.

19 Q. Now with those sprays missing, now if the
20 drum was turning and cutting coal and cutting rock,
21 do you think that would be visible to the operator?

22 A. No, unless they were running -- the
23 shearer was running, but it wasn't in the coal.

24 You know, say if the shearer is just

1 sitting there at a standstill, it's not cutting
2 nothing and you have the drums up in the air, you
3 may be able to tell that you have a spray out.

4 Other than that, if you had the shearer in
5 the coal and you were cutting it, no, I don't think
6 you would be able to tell if you had a spray out,
7 unless you had such a high number of sprays out
8 that, you know, it wasn't keeping the dust down.

9 And a lot of times that is a good way that
10 you can tell your sprays aren't doing good. If you
11 have a tremendous amount of dust than what you're
12 normally running with.

13 And a lot of times you can tell that if
14 the headgate operator forgets to turn the water
15 on. That kind of happens from time to time.

16 Say if we just got done setting bits and
17 we're ready to go, we'll get the shearer started.
18 And the headgate man, he'll be getting the belt up,
19 he'll get the pan line, the chain running, and he
20 might forget to go and turn the water on.

21 And so the shearer might be in the coal,
22 but you're going to see a tremendous amount of dust
23 from what you should see. And then we know right
24 then that, you know, something ain't right. So you

1 just stop and say, hey, you know, turn the water
2 on.

3 Q. When we checked the drum this day there
4 was actually seven sprays missing. Does that seem
5 unusual to you to have that many missing at one
6 time?

7 A. Yeah. I know I've never had that many to
8 come out on me.

9 Q. Do you think with that many missing, would
10 that have an effect on the dust suppression
11 capabilities of the rest of the sprays?

12 A. Yeah, I'd say it would.

13 Q. Okay.

14 A. But down there on that tail, you know, of
15 course we had good air, you know, we had plenty
16 enough air, but, you know, still you had less air
17 there at the tail than what you would have at
18 midface, you know. So it's going to be a little
19 bit dustier compared to other places on the face.

20 The guys, they would really had to have
21 looked at it to know it, you know, but, you know,
22 with seven sprays out you would think that you
23 should be able to tell that, you know, dust
24 suppression is not doing what it should.

1 Q. Okay. Thanks, Mike.

2 MS. HAMPTON: I'm going to mark this
3 photograph as Exhibit No. 3.

4 (Exhibit No. 3 marked for
5 identification.)

6 Q. Okay. You mentioned there your
7 ventilation, that you would have less at the tail
8 that you say you would at midface. Could you
9 explain why that would be to me?

10 A. Well, as your last open break, you would
11 have the air coming through your last open break
12 out to your face, you know, say, where I would take
13 my reading on the head, which, like I said, either
14 Number 9 shield or Number 17 shield, I can't really
15 remember, you're going to have a lot more air right
16 -- a bigger velocity, you know, right there
17 compared to what you would at the tail.

18 For that reason, you're closer to where
19 that last open break is. By the time that air goes
20 across the face and gets to the tail, you have air
21 that's going to go into the gob.

22 You might have certain areas on the face
23 where the gob hasn't fallen tight, you know, behind
24 the shields.

1 So you're going to have air, you know,
2 going through the shields, you know, going into the
3 gob, and that's -- you know, that's the way I was
4 always explained.

5 Q. Are you familiar with what your roof
6 control plan requires as far as roof support in the
7 tailgate entry?

8 A. We had always done two rows of props in
9 the past. It would be, like, five foot centers.

10 If it wasn't props it was cribs. And you
11 would have them in a staggered kind of setup, you
12 know, they would be five foot centers.

13 This panel here, I don't know why they
14 only had one row of props. I was never out on the
15 tail before we started up, you know.

16 As we came there to set up this panel, I
17 was never on the tail, and I never saw it until we
18 were running coal, and that's when I had noticed
19 that, you know, we only had one row of props.

20 I had asked about that, and I think the
21 answer that I was told was because this was our
22 first panel that that particular entry, it didn't
23 -- it wasn't required to have two rows in it.

24 Because once this panel was done, that

1 entry was no longer going to be utilized, you know,
2 for anything.

3 But as far as what was written in our roof
4 control plan, I haven't seen it since this all
5 happened. I can't really tell you the specifics on
6 it. But like I said, I know in the past we've
7 always used two rows. Two rows of props.

8 Q. Okay. Let's look at this drawing that's
9 right here in front of you, if you don't mind. And
10 this is a drawing of the location of the shearer
11 and the face at UBB right now.

12 So in your experience, the air that's
13 ventilating the face, how would you expect the air
14 to exit the tailgate end of the face?

15 A. It comes out into the entry and comes down
16 to the next break.

17 Q. Okay. if you don't mind, use, like, comes
18 outby or inby.

19 A. Okay.

20 Q. Because when you say "down," it's hard to
21 understand in the transcript.

22 A. Okay. The air comes off the face and goes
23 outby to the next break. And then at that point,
24 it shoots over to the other entries, and then it

1 shoots on inby toward the Bandytown fan.

2 COURT REPORTER: The what?

3 THE WITNESS: The Bandytown fan.

4 A. Now, on our tailgate entry, the outby
5 entries or breaks, you would have a full stopping,
6 a stopping line to isolate this entry.

7 Q. That would be -- is this number --

8 A. This is the Number 7 entry.

9 Q. Number 7 entry?

10 A. Now, as the shearer -- as the longwall
11 would advance as -- for instance, your next break
12 outby to you, you would have a hole put in this
13 stopping, and you may knock half of that stopping
14 out, you may knock a quarter of it out, just
15 whatever you would have to knock out of it to force
16 your air to come out to this break and shoot out,
17 you know.

18 Your stoppings on outby, they would be a
19 solid line. As your longwall -- as you would pass
20 that break, that crosscut, you wouldn't go to the
21 next stopping until you got just a little bit past
22 that crosscut.

23 And for that reason is, you're still going
24 to have the air coming off the face. It's still

1 going to be pulled out that entry, out of that
2 break.

3 By the time you get to about halfway
4 through that break, your top has usually, by that
5 point, it's fell in behind the wall. Which, like I
6 said, you'll go to your next crosscut and knock a
7 stopping out, well, not knock the full stopping
8 out, but you would knock a hole in it.

9 Q. So in the position that the face is in
10 now, would you have much air going inby in the
11 Number 7 entry?

12 A. I think you would. I looked at that the
13 other day and I didn't take, you know, a good look
14 at it. Of course, you can't get back there to it.

15 But I was looking at it from the break
16 that we had just passed, and it's not fully fell in
17 from what I could tell. It didn't look like it was
18 fell in all the way.

19 As I got to all the sand jacks where the
20 longwall face is sitting, you can look back there
21 towards where the break is at and -- I don't know.

22 I'm thinking the air could have went, you
23 know, inby rather than coming out to this break,
24 but I don't know. Like I said, I haven't -- can't

1 really get that good of a look at it.

2 Q. Okay. On the previous panels where you've
3 worked where you've said you set the double rows of
4 props or set the cribs, did that extra support, to
5 you, did it seem to support the roof better to
6 allow the ventilation to go behind the shields any
7 better than it has on this panel?

8 A. I believe it helped it some, but
9 eventually it's going to come in one way or
10 another.

11 I've seen the top hold up pretty good in
12 the tailgate entry, and then I've seen it to where
13 it all come in, you know, regardless of having two
14 rows of props or two rows of cribs.

15 Usually if you get into a bad area and it
16 comes down, it will usually go down for a little
17 while. But it did, you know, in my opinion, it
18 would keep it held up better than one row.

19 Q. Okay. You've obviously seen where the
20 shearer is sitting now. Have you, in your
21 experience in bossing and operating the shearer,
22 have you ever set bits in the tailgate drum with
23 that drum actually extended out into the tailgate
24 entry?

1 A. No, no.

2 Q. Okay. So, I guess, in your opinion, do
3 you think they was preparing to set bits in this
4 tailgate drum where it was currently sitting?

5 A. No.

6 MR. CRIPPS: Okay. I think I'm going to
7 catch my breath and let somebody else take a turn,
8 and I'll get back with you in a minute.

9 EXAMINATION

10 BY MR. BECK:

11 Q. Mike, on this particular panel that you
12 were on, did you have any idea how much more mining
13 was left there before the panel was completed,
14 anybody ever tell you, or did you know?

15 A. I was told, but I think maybe around 12,
16 12 more breaks maybe. I may be wrong, but it
17 wasn't much. I know our cutout was at the 14
18 break.

19 Q. So it was a matter of weeks or a month
20 maybe?

21 A. Probably maybe a month. Maybe a little
22 bit more than a month.

23 Q. Where was the longwall going to be moved
24 next?

1 A. We were hearing that we were going to a
2 take the longwall down to what they call LBB. We
3 were hearing that they were setting up a panel,
4 which was only going to be, like, ten breaks.

5 Headgate 22 supposedly wasn't going to be
6 ready by the time we cut out on this panel, and
7 they were going to send us to LBB to kind of buy
8 time, I guess, in other words.

9 Q. Was the LBB going to be ready to your
10 knowledge?

11 A. No. No, I don't think it would have
12 been. To my knowledge, nothing had even been set
13 up. I think they had just got the face cut, I
14 believe.

15 But, you know, I may be wrong, but to my
16 knowledge, though, belt lines wasn't put in or
17 anything that I know of, and I know there was no
18 pan line put in.

19 Q. So the longwall is going to be sitting --

20 A. Yes.

21 Q. -- idle?

22 A. Yes.

23 Q. Which at a longwall mine is not a good
24 thing?

1 A. Yes.

2 Q. Did that change the attitude around the
3 mine of the people working there? I mean, was it a
4 different atmosphere knowing that this was kind of
5 coming with the longwall nowhere to go?

6 A. As far as the crews, you know, the
7 longwall crews itself, you know, I can't really say
8 that it done anything.

9 I know -- you know, of course, we want to
10 run coal. Didn't really like the idea of, you
11 know, having to start from scratch, you know,
12 setting up everything or waiting for the miner
13 section to get done doing what they were doing.

14 But I don't think it was really on
15 nobody's mind about the ...

16 Q. How about management, I mean, was
17 management reacting differently or the same?

18 A. I never heard -- never heard anything from
19 them really that I could tell you.

20 Q. When you were talking about the time you
21 were operating the shearer and you hit the shield
22 and had a bunch of bits that you were going to
23 bring outside to -- you said to show them. Who
24 were you referring to?

1 A. I would have took those to Jack. Which I
2 know Jack knows me pretty well. If I tell him
3 something, he's going to believe me. At least
4 that's the way I've always kind of took him
5 anyways.

6 I would have took those out and showed
7 them to him, say, you know, okay, if Chris
8 Blanchard or if somebody else wants to know why we
9 were in the condition we were in, you know, here's
10 the reason. And that way Jack could have saw them
11 himself, and he could have told him.

12 You know, if they would have called down
13 there and saying, you know, what's wrong with this
14 guy here, this crew here, then Jack would have
15 known himself the condition and he could have told
16 him.

17 Q. Chris Blanchard, who was he?

18 A. He was the president of Performance.

19 Q. Okay. In your travels throughout Upper
20 Big Branch, and I know we've passed each other
21 tailgating among other places, did you ever notice
22 cracks in the floor?

23 A. I've seen quite a few areas, especially on
24 the tail, like over on tailgate 21.

1 Q. How about in other areas of the mine?

2 A. There are some places, what we call a cut
3 through, between the tail and the head. There's
4 several areas there, there's some cracks.

5 Tailgate 22, there's -- I think there's a
6 couple places there, but not as bad.

7 And as far as Headgate 22, places over
8 there, I don't really know. I haven't been over
9 there.

10 Q. Most people running the mines would refer
11 to this as bottom hooving; is that right?

12 A. Yes.

13 Q. So it's pretty common?

14 A. Yes.

15 Q. All right. And one last. You said you
16 were changing bits -- when you got into this rock
17 situation you were changing bits, and you cut out
18 at the tail and you cut out at the head just about
19 every time because of the rock.

20 And when you changed the bits, just make
21 sure I understand this, the sprays were also
22 checked then, too?

23 A. Yes.

24 Q. So with that frequency of changing bits

1 and checking sprays, and sprays, you would think,
2 reasonably that they would be in pretty fair
3 working order; is that right?

4 A. Yes.

5 Q. Which with seven missing is something
6 unusual?

7 A. Yes.

8 MR. BECK: That's all for right now.

9 EXAMINATION

10 BY MR. O'BRIEN:

11 Q. A couple three. A few minutes ago you
12 mentioned that the longwall was going to be moved
13 to an area that you referred to as LBB?

14 A. Yes.

15 Q. Was that at a different part of the mine
16 of UBB, or was that another totally different mine
17 somewhere else?

18 A. It wasn't in the same mine as UBB. It was
19 further outby from where we were located at the
20 time.

21 I believe if you go into the portal at
22 UBB, I believe it's around 60 break, maybe 70 break
23 is where LBB is at. And you go -- you'll turn off
24 the main line track from there, and it's down in

1 that area.

2 I've never been down there myself. I just
3 know where it's at on the main line, and the map,
4 of course.

5 Q. We were talking about -- or you were
6 talking about bits a while ago. Had you changed,
7 or had the mine changed, type or style of bits
8 recently prior to April 5th, like different size,
9 type, manufacturer?

10 A. No. To my knowledge, we've always used
11 Kennametal bits. That's the only bits I've ever
12 seen used.

13 Q. Okay. Talking about the area at the tail,
14 how tight would the gob fall right at the tail?
15 Would it fall airtight or would some air --

16 A. You may have air leaking, you know, back
17 through the gob in some areas. Of course, I don't
18 think it's ever to a point to where you could get
19 yourself back there, but, now, you know, you could
20 see -- I'd say that there's areas that the air
21 could leak back in that area.

22 Q. Okay. When the air goes down the face,
23 comes to the tail entry, which way did it go?

24 A. When it comes to the tail entry?

1 Q. Yeah, the tail entry.

2 A. The way they had this panel set up, the
3 air, they wanted the air to go outby to your next
4 break to where it would shoot out that break, and
5 then it would shoot inby out towards the fan.

6 As I was saying earlier, for instance, if
7 the shearer was, let's say, like, a quarter -- a
8 quarter ways past this corner, you're going to have
9 this open, of course, you're going to have your
10 gob. It's going to be fell in -- you know, it's
11 not going to be tight enough to where it's blocking
12 that cut.

13 So you're going to have air coming off the
14 face and it's going to go inby to that crosscut and
15 then over to the next entry.

16 Q. At the tail drive or tail of the longwall?

17 A. At the tail of the longwall.

18 Q. Did any air go into the gob or did it come
19 out of the gob?

20 A. As far as I know, everything just went,
21 you know, went right off the face. I've never
22 noticed any air, you know, coming from out of the
23 gob, you know, from that area.

24 Is that what you're kind of talking

1 about?

2 Q. Did any air ever go into the gob at that
3 point, or did any air ever come out of the gob at
4 the tail and go to the regulator stopping?

5 A. To my knowledge, I mean, everything would
6 go this way. Usually it's kind of hard to tell
7 where, like, where the breaks are unless you
8 actually get out there to maybe inspect the air,
9 take an air reading or something.

10 But like on a normal day, as you're
11 running the shearer, you know, your operators are
12 in such an area to where when you're looking down
13 toward the tail end of the shearer, pretty much all
14 you can see is just dust kind of moving outby, you
15 know, you can't really tell yourself if that break
16 is right there unless you would actually stop
17 running and then you'd see it. You'd look.

18 Does that kind of ...

19 Q. The stopping that's outby that is not in
20 part to be used as a regulator, who knocks those
21 blocks out, or who makes the opening in that
22 stopping?

23 A. Usually one of the outby bosses would do
24 it on an evening shift.

1 The outby boss, we had Timmy Davis and we
2 had Harold Lilly. A lot of the times Harold
3 himself would check this entry, would check that
4 out. If it needed to be knocked, he would knock
5 it.

6 That way if you were on day shift and you
7 were bossing on the face, you didn't have to get
8 out into that entry. You could stay up on the face
9 and do what you had to do.

10 On the evening shift the -- usually --
11 personally I never messed with -- I never had to.
12 Like I said, I only bossed there for four weeks. I
13 never encountered having to do that.

14 As far as evening shift, a lot of the
15 times Harold, or maybe Timmy, if they saw that you
16 were right there at the break, they would do it.
17 That way the evening shift guy, he wouldn't have to
18 worry about it either.

19 But I think maybe there may have been a
20 time or two that I was on day shift, and the guy on
21 the evening shift had to himself put the stopping,
22 you know, knock half of it out.

23 Q. Was there a specific amount of air that
24 was required to go through that opening in the

1 stopping?

2 A. I can't remember if we had -- if there was
3 a minimum. I know we had to take an air reading,
4 which they -- this was the first thing -- the first
5 time I had ever known for us to take an air reading
6 out on the tail. They called it an MPB reading.

7 I don't know if there was a limit, if
8 there was a minimum. I can't really remember.

9 MR. O'BRIEN: That's all I have right
10 now.

11 EXAMINATION

12 BY MR. PAGE:

13 Q. Let me ask you a few questions here to see
14 if I understand.

15 You say you was about four weeks or a
16 month is about what you were supervisor on a
17 longwall?

18 A. Yes.

19 Q. Okay. During that time frame when you
20 would travel up and down the face area, did you
21 ever notice the air going in and out of the shields
22 between rubble and back onto the face?

23 A. No. No, I never -- never noticed it.

24 Q. Even when you was a shearer operator?

1 A. No. No, I don't recall.

2 Q. Okay. So as the shearer went down through
3 there, you never did notice it coming back?

4 A. No. No, the only time we would have air
5 come from, like, back in the shields was usually if
6 we had a fall, you know, behind the shields. You
7 know, of course, you would see the dust and
8 everything then blow out.

9 Q. Sure. That's kind of expected, yeah.

10 Did anyone go over the vent plan or roof
11 control plan with you when you started making the
12 exams and started being a foreman, Jack Roles or
13 any of --

14 A. No, I don't think.

15 Q. -- top management ever go over it?

16 A. I don't think so. I don't believe. I
17 know, you know, when I took over, you know, he gave
18 me the copies of the ventilation plan and the roof
19 control plan, and that was pretty much something
20 that I went over myself.

21 And then, like I said, every day when we
22 would get underground, we would have the safety
23 talk. I would talk to the crew, something in
24 particular, whether it be the roof control plan or

1 the ventilation plan, you know, I would go over
2 some section on it.

3 Q. What about during the annual refresher?

4 A. Annual refresher?

5 Q. Yeah. They go over the plans?

6 A. Are you talking about, like, the -- your
7 eight-hour training?

8 Q. Uh-huh. Yes.

9 A. I don't think we ever went over, like, all
10 our particular plan at the time, you know, anything
11 like that.

12 Q. Okay. What kind of training did you get
13 when you -- was you at the longwall at the upper
14 mines?

15 A. Upper Big Branch?

16 Q. No, when they brought the wall down, was
17 you working in -- which mines was you working at?

18 A. I worked near Performance, Upper Big
19 Branch.

20 Q. Yeah, but the wall started up in June,
21 July, somewheres in there. Where was you working
22 at before that?

23 A. There. Now, we -- our -- the longwall
24 came from Logan's Fork.

1 Q. Yeah.

2 A. And the longwall itself, I don't think we
3 started production until August, or maybe the first
4 part of September.

5 Q. But you was at UBB?

6 A. Yes. I was outside --

7 Q. You didn't go to Logan's Fork?

8 A. Yeah, I was at Logan's Fork.

9 Q. Okay.

10 A. But now I came from Logan's Fork, I
11 believe it was in April was when I came back to UBB
12 there at Performance.

13 What I was doing at that point, myself and
14 two other crews, we were rebuilding on the shields
15 outside.

16 Q. Okay.

17 A. And at the same time, you had crews there
18 at Logan's Fork that was getting the shields,
19 getting the longwall, bringing everything outside,
20 and then that was being transported up.

21 We would get the shields, we would work on
22 them. When we would get done with them, we would
23 send them to the other crew to take them
24 underground, and then they would start setting the

1 panel up.

2 Q. Was you rebuilding them on UBB?

3 A. Yes.

4 Q. Mine property?

5 A. Yes.

6 Q. What kind of training did you get when you
7 came to UBB?

8 A. Say again.

9 Q. What kind of training did you get when you
10 transferred from Logan's Fork to UBB?

11 A. Didn't really. I mean ...

12 Q. Annual refresher, newly employed?

13 A. Well, we had, yeah -- well, not newly
14 employed, but --

15 Q. Experienced miners' training?

16 A. Yeah, experienced miner. And, you know,
17 of course, we got the training to operate the
18 equipment, because where we hadn't been there in so
19 long.

20 Q. Okay. When you was on the evening shift,
21 who did the on shift for you guys for the evening
22 shift?

23 A. Who done the on shift is like -- for the
24 next crew? I mean, what --

1 Q. Well, pre-shift is done for the next crew.

2 A. Okay.

3 Q. Okay? And at some point in time there
4 would have to be an on shift.

5 A. Yeah, I would take care of that up on the
6 section. From the -- the section foreman on the
7 longwall was responsible for the end of the tracks
8 from, you know, the mule train up to the face, the
9 longwall itself.

10 Q. Tell me what your on shift consumed of.

11 A. Your power center, you know, there at the
12 mule train, your chargers, your ventilation.

13 Q. When you say ventilation, what?

14 A. Like your last open break, your curtains,
15 making sure all your curtains was up, making sure
16 we had, you know, the right air.

17 Q. Anything else? I'm not trying to trick
18 you. I'm just seeing if you had anything else to
19 say on the on shift?

20 A. Just your overall, you know, condition of
21 the section, you know, as far as like outby the
22 face. That's about it.

23 Q. On the other longwalls where they had the
24 cribs sitting down through there, did the air split

1 at the tail -- in the tail entry? Some of it go to
2 the break inby and some of it go to the break outby
3 or what?

4 A. To my knowledge, you know, I didn't start
5 bossing until, like I said, until I came to this
6 one.

7 Our previous panels, I had never asked, I
8 never really got into as to what the air was doing.
9 I was always told that our air was coming off the
10 tail and shooting straight down that tail entry.

11 That was the way I was always explained as
12 to what --

13 Q. When you say "down," the tail entry down
14 to the next crosscut or all the way down?

15 A. It went all the way down from the way I
16 was always told.

17 Q. What did it do on this one, do you know?

18 A. This one here? It would go outby to the
19 next crosscut, and then it would come over to your
20 next entry, at which point it would go inby toward
21 the --

22 Q. What did the air do outby at that point in
23 the tailgate entry?

24 A. This right here? Like right here?

1 Q. Yeah, tailgate entry, uh-huh.

2 A. It was pretty much like a -- almost like a
3 neutral. You didn't have a whole lot of air coming
4 here. Your air was all over here coming inby
5 toward the fan.

6 Q. Okay. So you didn't have much coming up
7 the tailgate?

8 A. No. No, none at all.

9 Q. Was that supposed to be intake air or what
10 kind, do you know?

11 A. I was always told it was return air coming
12 from, like, the sections on outby, you know, outby.

13 Q. Okay. You said that -- and I know you
14 was, you know, you was a young boss, supervisor,
15 and we've -- most of us has been in those shoes.

16 Where you broke shaft within just a few
17 minutes apart, you seemed to be very concerned
18 about when you went outside?

19 A. We had people in management, in my
20 opinion, that they don't know a whole lot about
21 coal mining. In my opinion, they only know of
22 numbers on paper.

23 And when they see something like that,
24 then they want to know what happened. And trying

1 to tell them, it's like it goes in one ear and out
2 the other.

3 Q. I understand.

4 A. So that was kind of why I had intentions
5 on taking bits out, you know, that way I could show
6 them myself, you know, what it is.

7 Q. I've been in your shoes, and I've worked
8 for some of those guys, and ...

9 Did any of those guys ever call in and
10 say, get on coal or anything like that when things
11 wasn't right or come in?

12 A. No, no. Nobody ever said nothing to me.

13 Like I said, I only bossed for just a few
14 weeks. I don't think I bossed long enough to have
15 them start hollering, you know, to ...

16 Q. They was giving you a chance?

17 A. Yeah.

18 Q. What about on your 30-minute report, you
19 had to call out?

20 A. Call out, yes.

21 Q. Who called it out?

22 A. I would call it out or my headgate man
23 would call it out. And that 30-minute report, all
24 that was, was your footage and, like, how many

1 passes you had, and it was also your downtime, how
2 much downtime you had within, you know, that half
3 hour.

4 Q. Kind of a production?

5 A. Yes.

6 Q. 30-minute production report?

7 A. Yes.

8 Q. If you was ever late, they would holler at
9 you?

10 A. Yeah. They would usually start hollering
11 if you was five minutes late. I think the
12 dispatcher, he would holler.

13 From what I was always told, the main
14 office hadn't called yet, you know, the dispatcher,
15 he's calling to keep the main office from calling
16 him. That's what I was always told.

17 Q. Sure.

18 You said dispatch. What about on day
19 shift?

20 A. It would be Greg. Greg would usually call
21 our purchasing guy. And then evening shift
22 dispatcher, he would call if you didn't call out.

23 Q. Who is Greg?

24 A. Greg Clay.

1 Q. Would Greg call you or call on a section
2 of longwall?

3 A. Yeah, he would call on a section.

4 Q. Where did that production report go, do
5 you have any idea?

6 A. As far as I know, it went to the main
7 office, and then from there, I think they would fax
8 it to, I guess, the main headquarters. Massey
9 headquarters, I guess.

10 Q. Sure.

11 A. Now I don't know if they, that half-hour
12 report, I don't know if that's something that the
13 main headquarters of Massey wanted. I think that
14 was just something that I think Chris Blanchard
15 wanted. I was told that.

16 Q. Did you ever see him up on a longwall?

17 A. Just a couple times.

18 Q. Did he ever have anything to say?

19 A. I don't think I talked to him. I try to
20 avoid him.

21 Q. Just want to do your job; right?

22 A. Yeah.

23 Q. What about Whitehead? You ever see
24 Whitehead up there?

1 And if I pull my detector just a couple
2 feet away from there, it almost goes away.

3 As far as the crack that's on the tail
4 entry itself, I think the first couple weeks that
5 we were underground, myself and the inspector that
6 was with me, I think we put it down there once,
7 and, you know, we didn't get anything.

8 I think there was a couple cracks down at
9 the cut through that runs from one side of the cut
10 through to the other.

11 We've done it there, just putting our
12 spotter down there next to it, and, you know, we
13 haven't picked up anything.

14 As far as everywhere else on the tail, I
15 -- to me, looking at it just looks like the bottom
16 hooved up, you know, nothing out of the ordinary.

17 Q. Okay. So the cracks that you talked about
18 where you would put your spotter to detect gas,
19 that was actually back in the shield, so that was
20 on the face?

21 A. On the face.

22 Q. Not out into the tailgate entry?

23 A. No.

24 Q. Okay. The water supply to the shearer,

1 when the shearer is operating normally, I assume
2 there is water turned on?

3 A. Yes.

4 Q. If the face goes on for any reason, who
5 shuts the water off?

6 A. The headgate man shuts the water off.

7 Q. Does he do that on his own or does he wait
8 to be called to shut that off?

9 A. Kind of both. He -- it's kind of standard
10 for him to do it on his own because he knows that
11 if the line goes off for some reason, if the
12 shearer is broke down, you know, something is broke
13 down. And with the shearer crew, if they turn the
14 shearer off, if they shut the line off, they have
15 still got water spraying everywhere.

16 So that headgate operator, to keep them
17 from hollering down at him, you know, to turn the
18 water off, you know, of course, using some other
19 words, but he'll shut that water off before they
20 start hollering at him.

21 So that's kind have got to a standard
22 thing. But from time to time, the headgate man, he
23 might be on the face and the line all of a sudden
24 go off, and it's going to take him, you know, a

1 little bit of time to get back there to the
2 headgate and turn the water off. So sometimes, you
3 know, he don't make it there before they start
4 hollering.

5 Q. He gets yelled at?

6 A. Yeah.

7 Q. Okay. You talked about the 30-minute call
8 out. On the weekends when you're out there, who do
9 you give that 30-minute call out to?

10 A. The same. You still have Greg Clay. I'm
11 pretty sure he works Saturdays. I don't know, it
12 seems -- almost a year now. I can't really
13 remember if he worked Saturdays or not.

14 Q. Okay.

15 A. But if it wasn't him, it would be the
16 dispatcher that you call out to.

17 Q. Okay. To your knowledge, every time that
18 30-minute call out is made, is that information
19 recorded? Is it written down?

20 A. To my knowledge, it was, you know, by the
21 guy that we were calling to, the dispatcher or
22 Greg. To my knowledge, you know, yeah, they would
23 write it down on a paper them self.

24 Q. Would they say something to give you some

1 indication they was writing it down?

2 A. They would sometimes, you know, ask for it
3 to be repeated. You know, if they didn't quite
4 understand something, they would want it to be
5 clarified, I guess.

6 Or especially if we were broke down, you
7 know, they would try to get -- get a good number,
8 an amount of time as to when we would be back to
9 running coal.

10 But, yeah, I always assumed that they were
11 writing it down.

12 Q. Okay. The longwall crew and the longwall
13 face boss, were you responsible for any work off of
14 the section on a normal operating shift?

15 A. No, not off the section.

16 Q. If your belt line needed to be rock
17 dusted, was that the longwall crew's
18 responsibility?

19 A. No, that was usually outby.

20 We had fire bosses that would normally
21 walk the belt, and we never -- we were never tasked
22 with doing anything to the belt line, you know, as
23 far as, like, rock dusting or anything like that,
24 we were never told to do that.

1 I think that kind of fell on the hoot owl
2 crew, the third shift, like the supply crew, the
3 motor crew guys. If not them, I guess day shift
4 or, you know, some day shift outby crew, you know.
5 That's the only thing I could think of.

6 But as far as us coal crews, we were never
7 tasked with anything like that.

8 Q. Who in management would be responsible for
9 those outby crews to see that the dusting was, in
10 fact, performed?

11 A. Most likely the foreman, the mine foreman,
12 superintendent. I know Jack Roles is the longwall
13 coordinator, which, I guess, he's kind of like the
14 longwall superintendent, you know.

15 Of course, you know, he's not the
16 superintendent of the mines, but, you know, he's in
17 charge of longwall.

18 The mine superintendent, he normally would
19 leave the longwall alone. If he had something
20 about the longwall, he would usually tell Jack, and
21 then Jack would go from there, I guess, you know,
22 take care of it.

23 As far as, like, the rock dusting, you
24 know, the belt line, that was usually put in the

1 fire boss books that -- the longwall, we didn't
2 deal with, you know, it was always the people in
3 the mines, I mean, outby guys, I guess.

4 Q. So you, as a face boss with the crew up on
5 the longwall, if there was hazardous conditions
6 noted in the examination books, would you expect
7 that upper management at the mine would see that
8 those hazardous conditions were corrected?

9 A. Yeah.

10 Q. Is it fair to say you would depend on
11 those members of management to get those conditions
12 corrected?

13 A. Yeah.

14 MR. CRIPPS: Okay. That's all I got for
15 right now.

16 EXAMINATION

17 BY MR. BECK:

18 Q. Just got a couple of quick ones.

19 Other than Easter Sunday, did the longwall
20 produce coal on Sundays on a normal basis?

21 A. Yes. Because, like I said, we worked a
22 swing shift.

23 Q. Six days --

24 A. Six and three.

1 Q. But it was a seven day a week production?

2 A. Yes.

3 Q. How about the miner sections, do you know
4 if they did?

5 A. I know the Number 1 section, which was on
6 Headgate 22, I believe they ran a six and three
7 schedule, the same as us.

8 Q. So it would be a seven day a
9 week production job?

10 A. Yes. But as far as the other coal crews,
11 I think they were just on a Monday through Saturday
12 thing.

13 Q. I know you said you were only bossing
14 about four weeks. Did anyone ever tell you, Mike,
15 we expect X amount of passes off you per shift, per
16 your shift?

17 A. No. No, nobody said that.

18 Q. How would you know if you had a good shift
19 or a bad shift?

20 A. When we first started the panel, you know,
21 we were running pretty good, seven, eight cuts a
22 shift, you know. We had more coal on the face, you
23 know, we didn't have as much rock.

24 But as we came further out, you know,

1 with -- the coal seam would get thinner, and then
2 you would start getting into more rock.

3 And after we got into the sandstone, you
4 know, it cut us down into three, four cuts a
5 shift. And, like I said, you know, we had been
6 into it for about four weeks.

7 You know, at that point, I think
8 management realized that, you know, we're in a
9 pretty bad condition and there ain't nothing we can
10 do about it except, you know, keep going through
11 it.

12 Q. When you would stop to set bits, would it
13 be typically the whole drum you would change or
14 just cleaned it?

15 A. Most times it was the whole drum.

16 Q. How long of a downtime would that incur?

17 A. Usually if you change a full set on both
18 ends, it would usually take 20 to 30 minutes. You
19 know, that's with the shearer operators changing
20 the bits, the electricians checking the grease,
21 checking the oil. Normally, a full drum, it would
22 take about 20 to 30 minutes.

23 Q. How many bits would that be?

24 A. A full drum is 48 bits per drum, so ...

1 MR. BECK: Thanks, Mike. That's all I
2 have.

3 MR. KOERBER: John, you got anything?

4 MR. O'BRIEN: No.

5 MR. KOERBER: Norman?

6 MR. PAGE: No.

7 MR. CRIPPS: I'm thinking.

8 MR. MCCUSKEY: While he's thinking, may I
9 ask if we might clarify?

10 MR. KOERBER: Yes. Go right ahead.

11 EXAMINATION

12 BY MR. MCCUSKEY:

13 Q. A number of questions were asked about you
14 detecting methane in cracks along the wall, and I
15 would just like to make sure it was clear on the
16 record.

17 Do I understand that all the testing you
18 were referring to in finding methane in cracks or
19 not finding it, that those all were tests that have
20 taken place since the explosion?

21 A. Yeah.

22 MR. CRIPPS: I'm going to ask you one more
23 question, Mike.

24

EXAMINATION

1
2 BY MR. CRIPPS:

3 Q. Let me figure out how I want to word
4 this. I asked you earlier about upper management
5 and taking care of the hazards outby the sections
6 where you guys were up there, you as a face boss
7 fulfilling your duties as looking out for the
8 health and safety of the men working for you.

9 You volunteered your opinion earlier of
10 management. I'm just going to ask you to volunteer
11 it again. Whether you answer it or not, that's
12 strictly up to you.

13 But with the conditions of the mine with
14 what happened on April 5th, do you feel upper
15 management at that mine was fulfilling their duties
16 to protect the safety and health of all those men
17 on day shift on April the 5th?

18 A. I felt that they were. You know, we had
19 some people in management that were really good
20 that you could rely on, and, again, you had some
21 that didn't know what they were doing, you know,
22 which for the most part, you know, you wouldn't go
23 to them if you ever had a concern, you know.

24 But on the longwall, we had always been a

1 pretty tight group. We had always kind of took
2 care of each other.

3 And then we had the guys that would back
4 us up on that, as far as like Jack Roles or
5 especially Wayne, Wayne Persinger. He was the vice
6 president at the time this happened.

7 And for him to be a vice president and
8 somebody that the miners underground can look up to
9 and respect, you know, it's kind of rare. Because
10 a lot of times the president or vice president,
11 they are college people that don't know a lot about
12 coal mining and you can't rely on them for a lot of
13 stuff.

14 But that's my opinion. I mean, I thought,
15 you know, Wayne and them, they were doing a good
16 job to us. I mean ...

17 Q. What was Chris Blanchard's position?

18 A. President.

19 Q. He was the --

20 A. He was the president.

21 Q. So is he the top dog at the mine?

22 A. Yes.

23 Q. Okay. And I think you said earlier when
24 you would see him, you just try to avoid him --

1 A. Yes.

2 Q. -- not talk to him?

3 So I confer that when you say there's some
4 people that didn't know much, you just didn't talk
5 to them?

6 A. Yes.

7 Q. And Blanchard was one of them?

8 A. Yes.

9 Q. Okay. Very good.

10 MR. CRIPPS: Thanks, Mike. I'm done.

11 MR. KOERBER: John?

12 MR. O'BRIEN: I'm done.

13 MR. KOERBER: Norman? John? John

14 McCuskey, do you have anything you want --

15 MR. MCCUSKEY: No. Except for a request
16 for a transcript that I --

17 Mike, we talked about this before.

18 THE WITNESS: Okay.

19 MR. MCCUSKEY: That's you would like a
20 copy of these transcripts. Sign that and I'll make
21 it a part of this record and maybe we can get you a
22 copy one of these days.

23 THE WITNESS: Okay.

24 MS. HAMPTON: Marking this as Exhibit 4.

1 (Exhibit No. 4 marked for
2 identification.)

3 MR. KOERBER: Anything else, John?

4 MR. MCCUSKEY: No.

5 MR. KOERBER: Mr. Webb, at this point in
6 time, if you have any comments you would like to
7 make, any statements you would like to make or
8 anything you would like to add, anything you would
9 like to clarify, any questions you might have, now
10 is your time to speak. The floor is yours.

11 THE WITNESS: No, I can't think of
12 anything.

13 MR. KOERBER: With that, we'll go off the
14 record, and I thank you.

15 (Interview concluded.)
16
17
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24

1 STATE OF WEST VIRGINIA, To-wit:

2 I, Jenny Taylor, a Notary Public and Court
3 Reporter within and for the State aforesaid, duly
4 commissioned and do hereby certify that the
5 interview of MICHAEL P. WEBB was duly taken by me
6 and before me at the time and place specified in
7 the caption hereof.

8 I do further certify that said proceedings
9 were correctly taken by me in stenotype notes,
10 that the same were accurately transcribed out in
11 full and true record of the testimony given by
12 said witness.

13 I further certify that I am neither attorney
14 or counsel for, nor related to or employed by,
15 any of the parties to the action in which these
16 proceedings were had, and further I am not a
17 relative or employee of any attorney or counsel
18 employed by the parties hereto or financially
19 interested in the action.

20 My commission expires the 6th day of March
21 2019.

22 Given under my hand and seal this 14th day of
23 February 2011.

24 -----
Jenny Taylor
Notary Public

WEST VIRGINIA
MINE SAFETY AND HEALTH ADMINISTRATION


IN THE MATTER OF:

THE INVESTIGATION OF THE APRIL 5, 2010 MINE EXPLOSION
AT UPPER BIG BRANCH MINE

ERRATA SHEET

I, **MIKE WEBB**, have read the foregoing pages of my deposition given on February 11, 2011,
and wish to make the following, if any, amendments, additions, deletions, or corrections:

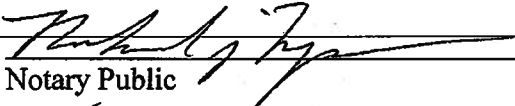
PAGE/LINE	CORRECTION AND REASON FOR CORRECTION
29 / 11	"wasnt" should be "was"; add "He was my immediate supervisor but I didn't call out reports to him"
31 / 22	"sprayed" should be "was straight"



MIKE WEBB

STATE OF WEST VIRGINIA
COUNTY OF Raleigh

Subscribed and sworn to before me this 25th day of August, 2011.



Notary Public

My Commission Expires: February 11, 2018

